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4 KEVIN B. PRASAD,
5 Plaintiff,
6 v.
7 COUNTY OF SAN MATEO,
8 Defendant.
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10 Case No. [22-cv-02720-JST](#)
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13 **ORDER DENYING PLAINTIFF'S
14 MOTION FOR SUMMARY
15 JUDGMENT WITHOUT PREJUDICE**
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17 Re: ECF No. 9
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19 Plaintiff has filed a *pro se* action pursuant to 42 U.S.C. § 1983, alleging that San Mateo
20 County is serving him food that uses pork products in the vegetarian meals despite being aware
21 that Plaintiff's religion prohibits consumption of beef and pork, in violation of Plaintiff's First
22 Amendment right to free exercise of religion. *See generally* ECF Nos. 1, 10. On March 14, 2023,
23 the Court screened the complaint and ordered service on defendant San Mateo County. ECF No.
24 10. To the Court's knowledge, defendant San Mateo County has not yet been served. Plaintiff
25 has filed a motion for summary judgment and injunctive relief. ECF No. 9. This motion is
26 DENIED without prejudice to re-filing once defendant San Mateo County has been served. The
27 Court does not have jurisdiction over San Mateo County until service has been effected. *See, e.g.,*
28 *In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999) ("judgment entered without personal jurisdiction over
the parties is void").

29 This order terminates ECF No. 9.

30 **IT IS SO ORDERED.**

31 Dated: March 27, 2023
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35 JON S. TIGAR
36 United States District Judge
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